

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Henry Pierce,	)	Civil Action No.: 4:11-cv-02972-RBH
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Derrick Sentell Smith, Franklin	)	
Delano Brown, Jr., Ernie Grace,	)	
Michael Haberstick, Simon Brown,	)	
Michael Hartson, Willie L. Smith,	)	
Paul James, G. Timothy Harper,	)	
Marion County, John Q. Atkinson,	)	
Buddy Collins, Simon Jenkins,	)	
Thomas W. Shaw, Milton S. Troy,	)	
II, Elista H. Smith, Allen W. Floyd,	)	
and City of Marion,	)	
	)	
Defendants.	)	
	)	

Plaintiff Henry Pierce, proceeding pro se, filed this action against the above-captioned defendants pursuant to 42 U.S.C. § 1983. This matter is now before the Court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2) for the District of South Carolina. The Magistrate Judge recommends that the Court dismiss Plaintiff's complaint with prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommen-

dition of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that Plaintiff’s complaint is dismissed with prejudice for failure to prosecute. All pending motions are deemed moot.

**IT IS SO ORDERED.**

s/ R. Bryan Harwell  
\_\_\_\_\_  
R. Bryan Harwell  
United States District Judge

January 9, 2013  
Florence, South Carolina